

UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA and)
HERMAN WILLIAMS, REVENUE OFFICER)
OF THE INTERNAL REVENUE SERVICE,)
Petitioners,) Civil No.: 13-cv-2329
vs.)
ROBERT BARNETT,)
Respondent.)

PETITION TO ENFORCE INTERNAL REVENUE SERVICE SUMMONS

The United States of America and Herman Williams, Revenue Officer of the Internal Revenue Service, by their attorney, Edward L. Stanton, III, United States Attorney for the Western District of Tennessee, show unto the Court as follows:

I

This is a proceeding brought pursuant to the provisions of I.R.C. Sections 7402(b) and 7604 (a) of Title 26, United States Code, to judicially enforce an Internal Revenue Service summons.

II

Petitioner, Herman Williams, is a Revenue Officer of the Internal Revenue Service employed in the SB/SE Division, Gulf States Area of the Internal Revenue Service at Memphis, Tennessee. Revenue Officer Herman Williams is authorized to issue an Internal Revenue Service summons pursuant to the authority contained in I.R.C. Section 7602 of Title 26, U.S.C., and Treas. Reg. Section 301.7602-1, 26 C.F.R. Section 301.7602-1, as set forth in the Declaration of Revenue Officer Herman Williams, attached hereto as Exhibit B and incorporated

herein as part of this petition.

III

On information and belief, the respondent, Robert Barnett, (hereinafter respondent) resides or is found at 1011 Pheasant Hollow Drive, Cordova, Tennessee, 38018-5882, within the jurisdiction of this Court.

IV

Revenue Officer Herman Williams is conducting an investigation into the collection of the tax liability of Robert Barnett for the taxable years ended December 31, 2003; December 31, 2004; December 31, 2005; December 31, 2006; and for the trust fund recovery penalty for the quarterly periods ended December 31, 2003; December 31, 2004; December 31, 2005; December 31, 2006; December 31, 2007; December 31, 2008; and December 31, 2009, as set forth in the declaration of Revenue Office Herman Williams. (Exhibit B).

V

The respondent, Robert Barnett is in possession and control of the testimony, books, papers, and other data which are relevant to the above-described investigation.

VI

On August 30, 2012, an Internal Revenue Service summons was issued by Revenue Officer Herman Williams directing the respondent to appear before Revenue Officer Herman Williams on October 12, 2012, at the Internal Revenue Service office, 22 N. Front Street, Suite 400, Memphis, Tennessee 38103, to testify and produce for examination, books, papers, records, and other data described in the summons. An attested copy of the summons was left at the last and usual place of abode of Robert Barnett, by Revenue Officer Herman Williams on August 31, 2012, as set forth in the declaration of Revenue Officer Herman Williams. A copy of the

original summons is attached hereto as Exhibit A and incorporated herein as a part of this petition.

VII

Robert Barnett did not appear on October 12, 2012. The respondent's refusal to comply with the summons continues to date, as set forth in the declaration of Revenue Officer Herman Williams. (Exhibit B).

VIII

The books, papers, records, and other data sought by the summons are not already in the possession of the Internal Revenue Service.

XI

All administrative actions required by the Internal Revenue Code for the issuance of a summons have been taken.

X

There is no Justice Department referral in effect within the meaning of 26 U.S.C. Section 7602(d) with respect to the respondent.

XI

It is necessary for the Government to obtain the testimony and to examine the books, papers, records, and other data sought by the summons in order to properly investigate the collection of the Federal tax liability of Robert Barnett for the taxable years ended December 31, 2003; December 31, 2004; December 31, 2005; December 31, 2006; and for the trust fund recovery penalty for the quarterly periods ended December 31, 2003; December 31, 2004; December 31, 2005; December 31, 2006; December 31, 2007; December 31, 2008; and December 31, 2009, as evidenced by the declaration of Revenue Officer Herman Williams,

attached hereto and incorporated herein as part of this petition.

WHEREFORE, the petitioners respectfully request:

1. That this Court enter an order directing the respondent to show cause, if any, why he should not comply with and obey the summons issued to him, and each and every requirement of that summons. Because of the necessity of personal service, it is requested that the show cause hearing requested herein be scheduled no sooner than 45 days from the date of the order setting the hearing.
2. That this Court enter an order directing the respondent to obey the summons issued to him, and each and every requirement of that summons, by ordering the attendance, testimony and production of the books, papers, records and other data as is required and called for by the terms of the summons before Revenue Officer Herman Williams or any other proper officer or employee of the Internal Revenue Service, at such time and place as may be fixed by the Revenue Officer, or any other proper officer or employee of the Internal Revenue Service.
3. That the United States recover its costs in maintaining this action.
4. That the Court grant such other and further relief as is just and proper.

Respectfully Submitted,

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